

Foreign Religious Organizations in Vietnam: Law and Practice

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Since the Communist Party and Government of Vietnam began to implement *doi moi* (Renovation) policies in the mid-1980's, Vietnam has opened to foreign visitors and residents of all types. This includes religious organizations and individuals. Although traditional missionary work or proselytizing by foreigners remains prohibited, non-Vietnamese can and do engage in development assistance, direct service, charitable donations, and other activities. At a time when the Bush Administration and its supporters in the Christian Right have criticized Vietnam for violations of religious freedom, the experience of these foreign organizations provides an alternative, more nuanced view of the state of religion in present-day Vietnam.

This background paper aims to provide a summary of the work, both legal and informal, currently being carried out by foreign religious organizations, and of Vietnamese laws and regulations pertaining to this work. The paper does not attempt to analyze the activities of Vietnamese religious believers or organizations, which would be an immense task. Nor does it address any of the cases of alleged violations that have led to external criticism, most of which are entirely local in nature and often much more complex than a simple narrative of "persecution."

Levels of Presence in Vietnam

An overseas religious organization that wishes to come to Vietnam faces several key choices at the outset. The first, most public option is to register as an international non-governmental organization (INGO). This is done with the People's Aid Coordinating Committee (PACCOM) in Hanoi, a central government office. Alternately, and less formally, some organizations form agreements directly with provinces or local governments, usually to carry out specific, small projects. A third and less transparent approach is to come into Vietnam on tourist visas and provide financial assistance or training without any formal status or recognition. Finally, some individuals come into Vietnam as "tentmakers," doing other work (such as business or English teaching) with the long-term goal of engaging in mission activities.

Size, not religious beliefs or theology, appears to be the main factor affecting the choices organizations make. Larger, more bureaucratic groups, typically Christians from developed countries, tend to register with PACCOM. Permits have been granted on a relatively equal basis to Catholics, mainstream Protestants and evangelicals—distinctions that may be less crucial to Vietnamese authorities than to Christian groups themselves.

Of approximately 450 INGOs registered with PACCOM as of 2004, at least 50 are religious in basis (see appendix). A number of others have an unclear affiliation. Among the registered religious NGOs are traditional mission alliances, relief and development arms of churches, and Catholic orders. Two North American NGOs of the second type, Church World Service and Mennonite Central Committee, are celebrating their 50th anniversaries in Vietnam in 2004. Several of the mission groups, such as the Christian and Missionary Alliance, have longer roots

in Vietnam than that, but their presence was interrupted during the first 15-20 years after the end of the American War. According to Nguyen The Doanh, vice-chairman of the Government Committee on Religious Affairs, religiously-based NGOs “have helped greatly in Vietnam’s development and economic growth—and they have also helped Vietnamese people understand more about Americans, and vice versa” (interview, 6 April 2004).

Smaller groups, especially Buddhists and Asian Christians, often follow more informal paths, developing relationships locally and/or quietly visiting their Vietnamese counterparts. This may be helped by the fact that other Asians, as well as overseas Vietnamese, blend in more easily in Vietnam and may have a closer appreciation of Vietnamese culture. For instance, many of the restorations of pagodas, temples, and Catholic churches across Vietnam are funded by overseas Vietnamese or Asian donors, who are sometimes honored with plaques or pictures inside the building. Monks, nuns and lay Buddhists and Christians come to Vietnam informally to meet colleagues in their respective orders, travel on retreats or pilgrimages, and teach training classes relating to their faith.

There is no way to measure the scale of these exchanges. Official remittances from overseas Vietnamese to family members totaled \$2.4 billion in 2003; the actual amount remitted, including hand-carried gifts, is probably at least twice that. At least a small percentage of these funds are used for religious purposes; most goes entirely unreported.

In the large majority of cases, these semi-public relationships do not lead to any difficulty with the authorities. Informal contacts only become problematic when they are linked with groups that are anti-government (or perceived as anti-government), such as the pre-1975 Unified Buddhist Church in the south or individual Catholics considered to be “dissidents” outside Vietnam.

The final category of foreign religious activity, individual “tent-makers,” may be sent by a church or other religious organization in their home country, or may come to Vietnam entirely on their own. As long as individuals respect the limits on public proselytizing, there is no restriction against this. Perhaps as many as a quarter to a half of foreigners studying Vietnamese or teaching English (and other foreign languages) do so with some present or future religious purpose in mind. Volunteer service and private conversations with Vietnamese friends is open and possible; distributing Bibles or leading catechism classes in a dormitory room crosses the line into missionizing.

The Letter of the Law

Article 70 of the 1992 Constitution of the Socialist Republic of Vietnam guarantees “freedom of belief and of religion. [A citizen] can follow any religion or follow none. All religions are equal before the law. The places of worship of all faiths and religions are protected by the law. No one can violate freedom of belief and of religion; nor can anyone misuse beliefs and religions to contravene the law and State policies.”

Since foreigners residing in Vietnam are subject to the Constitution and Vietnamese law (Article 81), this freedom also accords to them. So, moreover, do other vaguely worded provisions of law that limit and restrict the expression of religion in certain circumstances. One of these is found in

Article 74 of the Constitution: “All acts violating the interests of the State, the rights and legitimate interests of collectives and citizens shall be dealt with severely in time.”

International human rights organizations and overseas Vietnamese political groups sometimes claim that Vietnam has a policy to suppress or eliminate religion. This was probably never the case, and it certainly is not true now. On paper, Vietnamese law guarantees religious freedom. It is also, however, quite sweeping in its prohibitions of activities that are determined to be anti-state. (Vietnam is far from the only country in Asia or worldwide to have such provisions.) Religion is not singled out for any special treatment: non-religious activities that fall afoul of these restrictions are equally subject to punishment.

Thus, international observers may draw their own conclusions about the desirability or usefulness of these laws, but it is inaccurate to portray them as a religious problem or as a means to control religion in of itself. As in many other contexts worldwide, Vietnamese officials assert that religion only becomes sensitive when it is mixed with unwelcome political ideas, “using religion as a pretext to carry out other activities that are against the people’s [or state’s] interest.”

In June 2004, Vietnam promulgated a new Ordinance on Belief and Religion (*Phap lenh ve Tin nguong, Ton giao*), the first and highest legal document specifically relating to religious activities. (This followed a Communist Party resolution (*ngghi quyet*) issued in March 2004 and a government decree (*ngghi dinh*) dating from 1999.) Most of the new ordinance outlines rights and responsibilities of Vietnamese religious organizations, which are outside the scope of this paper. However, Chapter V describes “International Relationships of Religious Organizations, Believers, Religious Dignitaries and People of Religious Vocation.” Article 37 in this section outlines the rights of foreigners:

Foreigners entering Vietnam must obey Vietnamese law; they are allowed to bring along religious printed materials and other products for religious practice for personal use as prescribed by the Vietnamese law; they are allowed to take part in religious activities at places of worship; they are allowed to invite Vietnamese religious dignitaries to conduct religious rituals for themselves while respecting regulations set by Vietnamese religious organizations. [unofficial translation]

On an individual level, thus, non-Vietnamese may participate in religious activities to the same extent as Vietnamese citizens. However, organizational activities and leadership roles require State permission. “Inviting foreign religious organizations and foreign individuals into Vietnam or implementing the policies of foreign religious organizations in Vietnam” (Article 35) must be approved by the Government Committee on Religious Affairs. The same extends to preaching by foreigners in Vietnamese religious establishments (Article 36). In the past, both of these activities were strictly prohibited. To date, the central government is not known to have approved any of these activities, but the Ordinance does allow for this possibility in the future.

According to officials of the Ministry of Public Security, all religious groups in Vietnam presently carry out relations with their overseas counterparts; this is as true of indigenous faiths like Cao Dai and Hoa Hao as it is of Catholicism, Protestantism and Buddhism. “As long as people entering or leaving Vietnam to and from overseas follow the law, there is no problem with this. Those who come in opposition to Vietnam’s interests are not allowed, just as the U.S.

puts strict visa requirements in place against terrorism. But those who come for positive purposes, such as friendship and cooperation, are welcome” (interview, 8 April 2004).

Foreign religious organizations who are registered as NGOs to conduct humanitarian work are governed by the same guidelines as their secular counterparts. These are found in Prime Ministerial Decisions 340/TTg (May 1996), 59/2001/QD-TTg (April 2001) and 64/2001/QD-TTg (April 2001), plus their accompanying regulations. (Copies of these documents may be found in the back of the yearly *INGO Directory* compiled by the VUFO-INGO Resource Center in Hanoi.)

The Committee for Foreign Non-Governmental Organization Affairs, formed in 2001 as the successor to a related body, consists of seven members. One of these is the Chairperson of the Government Committee on Religious Affairs (*Uy ban Ton giao cua Chinh phu*), which is a ministerial-level body. The Committee on Religious Affairs has the mandate of “guiding and assisting national agencies and organizations in implementing the State policy on religious affairs during their NGO aid reception and utilization processes.”

The use of INGO project funds is governed by Decision According to these regulations, most INGO projects need only to be approved by the head of a relevant government agency. However, certain projects require approval of the Prime Minister. This includes all projects over \$500,000, as well as any project concerning law, culture, religion, or national security, among other areas. The Ministry of Public Security is responsible for submitting proposals for such projects to other ministries for comment; a Public Security official explains this clause as relating to the ministry’s overall responsibility for public order, human rights, and law enforcement.

According to a representative of the Government Committee on Religious Affairs, however, these restrictions on “religion” apply only to projects containing activities with a religious purpose, such as construction of temples or churches. Projects in which a religiously-based organization engages in non-religious activities do not require special approval. The same applies for projects that assist Vietnamese religious groups to carry out humanitarian activities.

Thus, nothing in the regulations prevents a foreign NGO (religious or not) from entering into a project agreement with a recognized Vietnamese religious organization (such as the Vietnam Buddhist Association or the Catholic Patriotic Association, for instance). Similarly, at the local level, there is no legal barrier to an NGO including a local pagoda or church as a partner in a development project, for example in health services or education, presuming the approval of local authorities (usually the commune or district People’s Committee). Although some NGOs do maintain contact and relationships with local religious organizations, however, there are no known examples of the first type of partnership and few of the second.

Varieties of Religious Practice

Even among international staff of foreign religious organizations registered as INGOs, there is substantial variation in attitudes and practices concerning the religious aspects of their work. The material in this section is based on interviews and informal discussions held with several dozen individuals from March-August 2004, primarily Anglo-American Christians (both Catholic and Protestant); it is not in any way a representative or scientific sample of the foreign religious

community and is intended only to show some of the range of experience and views that exists within the community.

Most organizations do not report working directly with church counterparts in any way, but would welcome the opportunity to do so were it available. Catholic organizations tend to be more optimistic about the feasibility of such cooperation than their Protestant colleagues: one evangelical Protestant respondent believes it would never be possible. Several Catholics, however, describe unofficial, but condoned, non-project assistance to church communities in the areas where they work. One organization maintains a small project fund that is divided into small donations, usually without formal agreements or documentation. Another provides English classes.

An alternative option is to work with individual Christians, rather than with church structures. Given that Vietnam is about 10% Christian overall, any population of development project beneficiaries is likely to include some Catholics and/or Protestants. There are no particular restrictions on religious organizations working with religious villagers. In fact, one organization, when traveling to a new province some years ago, was taken by the provincial foreign relations department to visit solely Christian villages—then had to explain to the provincial officials that they wanted to assist the people most in need, not those who happened to be Christian.

One Protestant organizational representative notes, “We work in areas with many Catholic villages. In fact, the district authorities suggested we work there, since the people are poor. (Some Christians are poorer than others, while others are equally or better off.) At first, our government counterparts were suspicious, but now no longer. But we haven’t pushed the question about the church participating in projects. The only thing we’ve done publicly is to give Christmas presents to villagers; this year we singled out Christians for the first time.”

A common perception is that churches in southern Vietnam are more open to participation in social service-related work than elsewhere in the country. At one HIV-AIDS treatment center in a province outside Ho Chi Minh City, for instance, the Ministry of Labor, War Invalids and Social Affairs has asked the local Catholic diocese to work with them in managing treatment programs. The priests and nuns working at the center received training in Thailand and have substantial experience with AIDS patients. An INGO representative who is supporting the center sees this as a “test case” for the church and its cooperation with authorities for social goals.

Most INGOs agree that the environment for their own work in Vietnam has become more open over the last several years, attributing this to their own trust-building efforts, the quality of their partnerships in Vietnam, and broader societal changes. At times, however, representatives complain that decisions regarding their organizations are made inside a “black box,” with results that may or may not have to do with their status as a faith-based NGO. One common issue, for instance, is limited availability of visas for foreign staff and/or visitors; however, non-religious NGOs also sometimes face this difficulty as well. In cases where permission is not granted for new projects to begin, similarly, it is often impossible to know the grounds for the decision. Religion may or may not play a role.

Regarding the general environment for religious practice in Vietnam, INGOs' views are more mixed. Some feel there has been a definite improvement over the past several years, while others are unsure. One Protestant organization sees "no consistency...things are more open in some areas, less in others." Another notes that a more open, relaxed atmosphere also means a more dangerous one, since it may be less clear what is permitted and what is not, or exactly how far the boundaries have stretched.

It is important to note, however, that no foreign organization expressed a view that religious freedom is deteriorating or eroding in Vietnam; it is either improving or staying the same, depending on the respondent's viewpoint. This is significant, since outside human rights organizations routinely claim that conditions in Vietnam are worsening year-on-year. (The U.S. State Department takes a more nuanced view in the September 2004 *International Religious Freedom Report*: "Respect for religious freedom remained fundamentally unchanged; while it slightly improved in practice for many practitioners, it remained poor or even deteriorated for some groups, notably ethnic minority Protestants and some independent Buddhists.")

Regardless of their specific views on the religious context in Vietnam, foreign religious organizations take a dim view of public external pressure, such as Congressional resolutions or the "Country of Particular Concern" label. One Protestant representative argues, "it is not fair to judge religious freedom from a U.S. perspective, given Vietnam's history with the U.S. and the history of Christian churches in Vietnam over the last 200 years. There are problems and they need to be resolved between the government and the churches. This will take time. External pressure may work well in some countries, but not here. We believe that relationships and engagement lead to transformation. Work behind the scenes may be productive, but not coercion or public pressure."

Most organizations, however, feel that the addition of Vietnam to the U.S. "particular concern" list in September 2004 will have no direct impact on their work. Trusted partners will remain trusted partners, even if the external environment shifts. One organization who receives funding from USAID has expressed concern that this assistance may be cut as a result of U.S. sanctions, but most who work in the humanitarian sector believe that their programs are secure. Thus, religious organizations' opposition to external pressure on Vietnam is not based on self-interest as much as a perception that these policies will not work, and may in fact lead away from their goals of greater religious freedom.

The Weight of History

Vietnamese views of religion in general, and particularly foreign involvement in religion, cannot be understood without acknowledging a historical context in which missionaries were consciously or unconsciously working hand-in-hand with colonial interests. During the Indochina wars in the second half of the 20th century, several Catholic dioceses as well as the Cao Dai and Hoa Hao sects maintained their own armies and functioned as mini-states within the state. More recently, "Dega Protestantism" has been viewed as a continuation of the wartime FULRO separatist campaign and as a basis for unrest in the Central Highlands.

The American religious freedom lobby and their supporters dismiss Vietnamese fears of religious separatism as unfounded paranoia or as weak excuses for repression. Even if

exaggerated, however, these fears do have a basis in history. Americans in particular ignore this past, and our own churches' and government's complicity in it, at our peril. The Vietnamese government has welcomed many religious groups who operated in the south prior to 1975 to return as NGOs, but this past is not completely forgotten or without consequence. Indeed, staff of certain NGOs who may themselves have little awareness of their organizational histories react with confusion and frustration when they find themselves blocked or delayed from work in "sensitive" areas of the country. These obstacles are not experienced by religious organizations only, but there is evidence that the authorities do keep an especially careful watch on several American religious NGOs with pre-1975 histories. In light of past experience, this suspicion is understandable if not wholly justified.

At their basis, the disputes over religious freedom rest on vastly different conceptions of church-state relations. In Vietnam, the state and Party assert their primacy over all forms of social organization, including religion. In the U.S., church and state are legally separate. In practice, however, the reality in both countries is more complex than theory would indicate. From a global perspective, moreover, both the Vietnamese and American conceptions are exceptional. In many European and Asian countries, religion occupies an intermediary position between the state and society, with one or more religions given preference (and often funding) from the state.

Providing for freedom of religion, and the other basic liberties enshrined in the Universal Declaration of Human Rights, is thus not incompatible with some form of state recognition or registration of religious groups. All states regulate religious activities to a greater or lesser degree. Religious practice by foreigners (or by religious groups perceived as foreign) is particularly controversial, as witnessed in the debates over Islam in many Western countries. Under the current national sovereignty-based international order, states do retain the right to make their own laws regarding foreign religious activities.

Of course, laws are one thing, and implementation in practice is another, especially in a developing country such as Vietnam where rule by law is an evolving process. No law is perfect, and some Vietnamese laws remain vague, especially where topics related to national security are mentioned. Vietnam is far from the only country in the world where this is the case. Faced with an imperfect situation, then, foreign religious organizations have the option of working within the laws as they exist, in an expectation that the law may become clearer and more liberal in the future, or of working outside them, in the belief that ambiguity in implementation will lead to greater space for activities down the road.

Many of the organizations that have chosen the public path of registration express satisfaction with the progress they have been able to make. Less information, and fewer clear results, can be found from those who choose other options. Both choices have their adherents and arguments in their favor, but the burden of proof is on organizations working informally to demonstrate that their activities do indeed attain their objectives and promote freedom of religion and the rule of law.

APPENDIX: *Foreign Religious Organizations Registered as International Non-Governmental Organizations in Vietnam* (Incomplete List)

#	Name	Country of Origin	Religious Affiliation
1	Adventist Development and Relief Agency International	USA	Seventh-Day Adventist
2	Agape Hospital Fellowship	S. Korea	Protestant
3	Allianz Mission	Germany	Protestant
4	Asian Ministry Team (AMT)	USA	Protestant
5	Assemblies of God in Australia World Relief, Inc.	Australia	Assembly of God
6	Assemblies of God (A/G)	USA	Assembly of God
7	Association Inter-Etre	France	Buddhist
8	Bread for the World	Germany	Protestant
9	Caritas Australia	Australia	Catholic
10	Caritas Switzerland	Switzerland	Catholic
11	Catholic Relief Services	USA	Catholic
12	Christian and Missionary Alliance	USA	Protestant
13	Christian Outreach Relief and Development	UK	Protestant
14	Christoffel Blindenmission	Germany	Protestant
15	Church World Service	USA	Protestant
16	CIDSE	Belgium	Catholic
17	Comite Catholique Contre la Faim et Pour Developpement	France	Catholic
18	English Language Institute	USA	Protestant
19	Faith International Adoptions	USA	Protestant
20	Food for the Hungry International	USA	Protestant
21	German Caritas Association	Germany	Catholic
22	Global Care	S. Korea	Protestant
23	Gospel Agape Peace Mission	S. Korea	Protestant
24	International Mission of Hope	USA	Protestant
25	Korea Vietnam Welfare Association	S. Korea	Methodist
26	Korean Evergreen Hosanna Council International	S. Korea	Protestant
27	Korean Society for Service in Asia	S. Korea	Protestant
28	Lutheran Church Missouri Synod World Missions	USA	Lutheran
29	Madison Quakers	USA	Quaker
30	Malteser Hilfsdienst	Germany	Catholic
31	Manos Unidas	Spain	Catholic
32	Maryknoll	USA	Catholic
33	Mennonite Central Committee	USA/Canada	Mennonite

34	Methodist Mission Society	Singapore	Methodist
35	Minors	USA	Catholic
36	Misereor	Germany	Catholic
37	Mountain of Praise Association	Finland	Protestant
38	Nordic Assistance to Vietnam	Norway	Protestant
39	Norwegian Mission Alliance	Norway	Protestant
40	Oeuvres Hospitalieres Francaises de L'ordre de Malte	France	Catholic
41	Quaker Service Vietnam	USA	Quaker
42	Samaritan's Purse	USA	Protestant
43	Southeast Asian Orphan Foundation	USA	United Bible Church
44	Vets With A Mission	USA	Protestant
45	Vietnam Outreach Ministry Trust	Australia	Protestant
46	Walter A. Routh, Jr. Missionary Association	USA	Protestant
47	Wasatch International	USA	Mormon
48	World Concern	USA	Protestant
49	World Vision	USA	Protestant
50	Youth with a Mission	USA	Protestant

Sources: PACCOM; VUFO-INGO Resource Center, Hanoi